

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

KENNETH E. AULT,)	
)	
Plaintiff,)	NOTICE OF REMOVAL
)	
v.)	Civil Action No.
)	
KARIN McGRAW,)	Judge
)	
Defendant.)	

NOTICE OF REMOVAL

1. Removal of this action is made pursuant to 28 U.S.C. §§ 1442 and 1446 in that Defendant, Karin McGraw, is an official of the United States currently serving as the Director, VA Pittsburgh Healthcare System.

2. On or about December 13, 2016, *pro se* Plaintiff, Kenneth Ault, filed a Complaint at Docket No. MJ-05227-CV-0000189-2016 in the Magisterial District Court (05-2-27) of Allegheny County, Pennsylvania, naming Director McGraw as the sole Defendant. Attachment (Complaint). This Complaint involves allegations of alleged negligence on the part of ophthalmology services provided at the Pittsburgh/Butler VA Healthcare System, a federal entity.

3. No trial has been commenced in said civil action.

4. The allegations of alleged negligence involving whether Plaintiff received proper eye care are specifically directed against the VA and thus may be removed to this Court without bond pursuant to 28 U.S.C. §§ 1442, 2408, and 2679(d)(2).

5. Accordingly, Federal Defendant, Karin McGraw, specifically requests that this case be removed to this Court. A copy of all “process, pleadings, and orders” served upon Defendant is attached. Attachment; 28 U.S.C. § 1446(a).

Respectfully submitted,

SOO C. SONG
Acting United States Attorney

s/Paul D. Kovac
PAUL D. KOVAC
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Western District of Pennsylvania
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Date: December 19, 2016

CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of December, 2016, a true and correct copy of the
within Notice of Removal was served by first-class mail upon the following:

Honorable Eugene Ricciardi
Magisterial District Judge
Magisterial District Court No. 05-2-27
1700 East Carson Street, 3rd Floor
Pittsburgh, PA 15203

Kenneth E. Ault
Pro Se Plaintiff
65 Miller Drive
Indiana, PA 15701

s/Paul D. Kovac
PAUL D. KOVAC
Assistant U.S. Attorney